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*Attorney for Plaintiff, Rino Tenorio*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RINO TENORIO,

Plaintiff,

vs.

STATE OF NEVADA, DEPARTMENT OF  
TAXATION AND DOES 1 Through 5 and  
ROE BUSINESS ENTITIES 1-5,

Defendants.

Case No: 2:20-cv-00517-GMN-VCF

**FIRST AMENDED COMPLAINT AND  
JURY DEMAND**

1. Plaintiff, Rino Tenorio, complains against the Defendant, State of Nevada, Department of Taxation, as stated herein.

**JURISDICTIONAL STATEMENT**

2. This case involves a federal question under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et.seq.*

**FACTS**

3. Paragraphs 1-2 are incorporated herein.

4. Defendant, the State of Nevada, Department of Taxation, is an agency of the State of Nevada. The State of Nevada, Department of Taxation is responsible for the licensing and regulating retail marijuana businesses in Nevada through its Marijuana Enforcement Division (collectively, "Department"). The Department is vicariously liable for the acts of its supervisor(s) and Director as stated herein.

5. Plaintiff, Rino Tenorio, is employed by the Department as an Auditor II. He is gay.

1           6. Rino Tenorio was discriminated against as alleged in his Charge of Discrimination  
2 **(exhibit 1)** filed in October 2019 with the Nevada Equal Rights Commission/Equal Employment  
3 Opportunity Commission. Rino Tenorio's Charge of Discrimination is based on the Department's  
4 hostile work environment that included severe, pervasive and unwelcomed sexual harassment  
5 against Rino Tenorio because of his sexual orientation and based on retaliation. After Rino  
6 Tenorio complained to the Department about the sexual harassment/hostile work environment, the  
7 Department retaliated against him as stated in the Charge of Discrimination. The allegations in his  
8 Charge of Discrimination **(exhibit 1)** are incorporated herein. The U.S. Equal Employment  
9 Opportunity Commission issued a Dismissal and Notice of Rights on October 31, 2019 **(exhibit**  
10 **2)**.

11           7. In January or February 2017, the precursor to the Department was the Division of  
12 Public and Behavioral Health ("Division"), which was responsible for medical marijuana. The  
13 Division's supervisor was Karalin Chronkite and she fostered an environment of sexual  
14 harassment/hostile work environment within the Division based on Rino Tenorio's sexual  
15 orientation and allowed, directly encouraged and participated in, with laughter, Brian Chittenden's  
16 (Marijuana Inspector I) sexual harassment of Rino Tenorio about his sexual orientation, which  
17 included unwanted and uninvited discussions of gay sex, gay jokes, obscene gay gestures and gay  
18 sexual sounds. Among other employees during these discussions was Chris Jacobson, Marijuana  
19 Inspector II. The Division's employees transferred to the Department in June 2017. Under the  
20 supervision of Karalin Cronkite, Rino Tenorio's work environment continued/continues to be  
21 permeated with abusive discriminatory behavior, intimidation and retaliation.

22           8. On or about December 12-17, 2018, Karalin Cronkite, Marijuana Supervisor, and  
23 Andrea Fountain, Management Analyst II, without Rino Tenorio's permission or consent, and  
24 through their concerted action, superimposed/photo shopped Rino Tenorio's face in the place of a  
25 women's face who is wearing a Mexican style dress **(exhibit 3)** and shared this photo making fun  
26 of his sexual orientation with other employees in the Department, humiliating Rino Tenorio and  
27 causing him great emotional distress. On or about December 17, 2018, Rino complained to  
28 Karalin Cronkite and then on the same day to the Department's Human Resources

1 Department/Sexual Harassment and Discrimination Unit who began an internal investigation. The  
2 Department did nothing to ameliorate the sexually harassing work environment/sexual  
3 discrimination that targeted Rino Tenorio because of his sexual orientation.

4 9. On or about January 8, 2019, Chris Jacobson, Marijuana II, emboldened by the  
5 existing hostile work environment and by the aforementioned behavior of Supervisor Karalin  
6 Chronkite, continued to further sexually harass Rino Tenorio based on Rino Tenorio's sexual  
7 orientation when he placed chocolate kisses candy on Rino Tenorio's office desk stating, "ok you  
8 can kiss me now," causing him further humiliation, embarrassment and great emotional distress.

9 10. As a result of Rino Tenorio's complaints to the Department about the sexual  
10 harassment/hostile work environment that he suffered in the Department because of his sexual  
11 orientation, the Department by and through the acts and direction of Melanie Young, Director of  
12 Taxation, retaliated against him by instigating and subjecting him to tangible adverse employment  
13 consequences such as fake/false file building, including an ongoing internal investigation based on  
14 untrue allegations for wrongdoing and workplace misbehavior. The Department/State, by and  
15 through the acts and direction of Melanie Young, also retaliated against Rino Tenorio by  
16 instigating the placement of Rino Tenorio on a severe and prolonged administrative leave and by  
17 deliberately stalling and failing to complete his internal sexual harassment/hostile work  
18 environment charge investigation to conclusion through agency review which remains without an  
19 outcome or resolution since December 2018, well over one year ago, and in violation of State  
20 Policy/Nevada Statutes. The Department also retaliated against Rino Tenorio by excluding him  
21 from an employee party, and official office functions including training on Acela, a new software  
22 data base, despite the fact that he was the senior most auditor. The Department further retaliated  
23 against Rino Tenorio on October 11, 2019, when Tyler Klimas, Deputy Director, approached Rino  
24 Tenorio at work and misled him by stating that he would accompany him to the Human Resources  
25 Department under the guise that Human Resources wanted to speak with him, while all along  
26 knowing that he was escorting Rino Tenorio to be interrogated by Sgt. Peterson in the Department  
27 of Public Safety. The Department's aforementioned retaliatory acts were intentional, severe and  
28 pervasive and encouraged unwelcomed sexual harassment/hostile work environment based on

1 Rino Tenorio's sexual orientation.

2 11. As a direct and proximate result of the Department's unwelcomed discriminatory  
3 and retaliatory actions, Rino Tenorio's conditions of employment were negatively altered and he  
4 suffered and continues to suffer severer emotional, physical and mental distress, inconvenience,  
5 loss of enjoyment of life, medical expenses and negative/adverse employment consequences.

6 **(FIRST CLAIM FOR RELIEF)**

7 **VIOLATION OF TITLE VII AND NRS 613.310, et.seq.**

8 12. Paragraphs 1 through 11 are incorporated herein.

9 13. The Department violated NRS 613.310 *et. seq.*, and/or Title VII of the Civil Rights  
10 Act of 1964, 42 U.S.C. § 2000e, *et.seq.*, when the Department discriminated against and retaliated  
11 against Rino Tenorio based on his sexual orientation.

12 14. As a direct and proximate result of the Department's unwelcomed discriminatory  
13 and retaliatory actions, Rino Tenorio suffered and continues to suffer severe emotional, physical  
14 and mental distress, inconvenience, loss of enjoyment of life, medical expenses, negative/adverse  
15 employment consequences, costs and attorney's fees.

16 **(SECOND CLAIM FOR RELIEF)**

17 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/TORT OF OUTRAGE**

18 15. Paragraphs 1 through 14 are incorporated herein.

19 16. The Department's discriminatory and retaliatory conduct, including those acts by  
20 and through its supervisor and Director, was extreme and outrageous and committed with the  
21 intention of, or reckless disregard for, causing emotional distress to Rino Tenorio.

22 17. As a direct and proximate result, Rino Tenorio suffered severe and extreme  
23 emotional and physical distress and inconvenience (crying at night, inability to eat, difficulty in  
24 sleeping, shaking, upset stomach, vomiting, and suicidal ideation, which included medical  
25 diagnoses of F33.2 for major depressive disorder, F41.9 for anxiety disorder, and F43.10 post-  
26 traumatic stress disorder) loss of enjoyment of life, medical expenses, negative/adverse  
27 employment consequences, costs and attorney's fees.

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**DOES 1 THROUGH 5 AND ROE BUSINESS ENTITIES 1-5**

18. Paragraphs 1 through 17 are incorporated herein.

19. The true names and capacities of Defendants DOES 1-5 and ROE BUSINESS ENTITIES 1-5 are unknown to Plaintiff; therefore, Plaintiff sues those Defendants by such fictitious names. Plaintiff alleges on information and belief that each of the Defendants designated as a DOE is a partner, officer, director, employer, or employee, or is in some manner associated with one or more of the Defendants, and is responsible in some manner for the events referred to herein, and is the proximate cause of the damages suffered by Plaintiff. Plaintiff alleges on information and belief that each of the ROE CORPORATIONS is the parent corporation, sibling corporation, subsidiary corporation, partner, shareholder, or alter ego of, or in some manner associated with one or more of the Defendants and is responsible in some manner for the events referred to in this Complaint, and is the proximate cause of the damages suffered by Plaintiff. Plaintiff will ask leave of this Court to amend the Complaint to insert the true names and capacities of these Defendants and to join such Defendants in this action when such names have been ascertained by Plaintiff.

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**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for a judgment against the Defendants, jointly and severally, as follows:

1. For general damages in excess of \$15,000;
2. For special damages in excess of \$15,000;
3. For reasonable costs and attorney's fees; and
4. For such other and further relief that the Court deems appropriate.

DATED this 13<sup>th</sup> day of April, 2021.

**WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
RABKIN, LLP**

By: /s/ Douglas M. Cohen  
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*Attorney for Plaintiff, Rino Tenorio*

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury on all claims.

DATED This 13<sup>th</sup> day of April, 2021.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of April, 2021, a true and correct copy of **FIRST AMENDED COMPLAINT AND JURY DEMAND** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Jennifer Finley  
Jennifer Finley, an Employee of  
WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
RABKIN, LLP